UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,951	10/17/2003	Derek Collison	TIB-015	9839

23562 7590 08/13/2009

BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

EXAMINER	
STRANGE, AARON N	
ART UNIT	**PAPER NUMBER**
2448	

MAIL DATE	DELIVERY MODE
08/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,951	COLLISON, DEREK	
	Examiner	Art Unit	
	AARON STRANGE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26,28-43,46,47,49 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26,28-43,46,47,49 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/17/09 have been fully considered but they are not persuasive.

2. With regard to claim 26, and Applicant's assertion that "Todd teaches a message broker apparatus for receiving messages from a sender in which the message may either be sent to a queue manager to a relational message broker, which bypasses the queue and sends the message to the subscriber" (Remarks 10), the Examiner respectfully disagrees. Todd teaches a relational message broker that receives a message from a queue manager 12 (col. 5, ll. 46-47), selects the appropriate subscribers to forward the message to, and returns the message to the queue manager which sends the message to the selected subscribers (col. 6, l. 62 to col. 7, l. 2) either directly or by sending the messages via other queue managers (col. 5, ll. 35-40).

This arrangement allows a message to be bridged to additional destinations associated with the original destination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 36-43 and 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 36-43 and 46 are directed to a "machine readable medium". The specification describes the term "machine-readable medium" as including “carrier wave signals” (¶51). "Carrier wave” type media are non-statutory. *See In re Nuijten*, 500 F.3d 1346, 1357 (Fed. Cir. 2007). Since the claims are not limited to statutory subject matter, they are non-statutory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 26, 28-32, 34-43, 46, 47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US PGPub 2003/0115366) in view of Todd (US 6,510,429).

8. In regards to claims 26, 36, and 47 Robinson discloses, a method, a tangible, machine-readable medium embodying a sequence of instructions, and a system of communicating a message in a computer network, comprising:

receiving the message from a sender application (fig. 1 #31), the sender application associated with a first messaging paradigm (¶0019 line(s) 2-8, teach using an user application to create the messaging paradigm (Queuing) connection factory to start a messaging session);

processing the message according to the first messaging paradigm (fig. 2 #208-212, ¶0029 line(s) 1-8, teach using the queuing messaging method as a messaging paradigm), wherein the processing the message according to the first messaging paradigm comprises routing the message to at least one original destination (messages are sent to queue configured to handle the message data)(¶29); and

processing the message according to a second messaging paradigm (fig. 2 # 214-218, ¶0031, teach using the publish-and-subscribe method as a messaging paradigm).

Robinson does not teach the processing the message according to the second messaging paradigm comprises routing the message to at least one bridged destination associated with the at least one original destination via a bridge that automatically routes the message to the first of the at least one bridged destinations.

In the same field of endeavor Todd teaches a bridge (relational message broker) that receives a message provided to an original destination (queue manager 12) and automatically routes the message to at least one bridged destination (other subscribers) (messages are received by queue manager and sent to the relational message broker, which determines the appropriate subscribers to transmit the messages to)(col. 5, ll. 45-56; col. 6, l. 62 to col. 7, l. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the appropriate destination to forward the message to.

9. In regards to claims 28 and 49 Robinson's does not teach that the bridge is a software bridge.

In the same field of endeavor Todd teach the relational message broker is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding which receiver application to forward the message to.

10. In regards to claim 29 Robinson's, wherein the at least one original destination comprises a plurality of original destinations (¶0016 line(s) 3-6, ¶0020, teach using the publish subscriber method, therefore when the client (publisher) sends out the message the message is directed to all the clients that have subscribed to that topic, i.e. multiple original destinations.).

Robinson's does not teach the software bridge associates the plurality of original destinations with the first bridged destination.

In the same field of endeavor Todd teach the relational message broker, is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49), linking the destination to a destination in a queue (first bridge destination) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

11. In regards to claim 30 Robinson's does not teach, wherein the at least one bridged destination comprises a plurality of bridged destinations, and wherein the software bridge associates the first original destination with the plurality of bridged destinations.

In the same field of endeavor Todd teaches a relational message broker (bridge) linking the original destination to a plurality of output queues (destinations) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability

of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

12. In regards to claim 31 Robinson's discloses, wherein a plurality of messages are routed to the first original destination (¶0016 line(s) 3-6, ¶0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message the message is directed to all the clients that have subscribed to that topic, i.e. multiple original destinations.).

Robinson's does not teach the software bridge selects the message from the plurality of messages.

In the same field of endeavor Todd teach the relational message broker, is software since it runs on a processing unit(s) (fig. 1 #13, col. 5 line(s) 47-49), picking messages and placing them in the appropriate output queues (destination) (Col 5 line(s) 46-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

13. In regards to claim 32 Robinson's does not teach, wherein the processing the message according to the second messaging paradigm further comprises determining that the first bridged destination is permitted to receive the message.

In the same field of endeavor Todd teach the relational message broker placing the message in the appropriate output queues; therefore the bridged destination is permitted to receive the message since the user is a subscriber of the topic (Col. 5 line(s) 46-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having a software broker/bridge for analyzing the data and deciding the destination to forward the message to.

14. In regards to claim 34 Robinson's does not teach, wherein an administrator console comprises the software bridge.

In the same field of endeavor Todd teach the broker/bridge residing on a server/administrator console (col. 11 line(s) 11-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method with Todd's teaching as discussed above to allow for the capability of having an administrator console having the software bridge for ease of configuration for making changes as need be to the bridge.

15. In regards to claim 35 Robinson's discloses, wherein the first messaging paradigm and the second messaging paradigm utilize Java messaging (¶0014 line(s) 16-20).

16. In regards to claim 37 Robinson's discloses, wherein the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, ¶0015 line(s) 9-12, ¶0020), the sender application comprises a publishing application (fig. 1 #30), the message is associated with a topic (¶0020), and the processing the message according to the first messaging paradigm comprises routing the message to a publish module (¶0009 line(s) 3-6, ¶0015 line(s) 25-26, ¶0016 line(s) 3-6).

17. In regards to claim 38 Robinson's, wherein the processing the message according to the first messaging paradigm further comprises delivering the message to a number of subscriber applications that are registered to receive messages associated with the topic (¶0016 line(s) 3-6, ¶0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message and the message is directed to all the clients that have subscribed to that topic.).

18. In regards to claim 39 Robinson's, wherein the number of subscriber applications is zero (¶0016 line(s) 3-6, ¶0020, teach using the publisher subscriber method,

therefore when the client (publisher) sends out the message, the message is directed to all the clients that have subscribed to that topic, when there are no subscribers no clients receive the message the delivery is aborted, i.e. there are zero subscribers.).

19. In regards to claim 40 Robinson's discloses, wherein the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206).

20. In regards to claim 41 Robinson's discloses, wherein the first messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, teach a queuing messaging paradigm. It is inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.) and the processing the message according to the first messaging paradigm comprises routing the message to a queue module (fig. 2 #214-218, ¶0019 line(s) 8-14, ¶0031).

21. In regards to claim 42 Robinson's discloses, wherein the processing the message according to the first messaging paradigm further comprises delivering the message to a queue consumer (¶0016 line(s) 3-6, ¶0031).

22. In regards to claim 43 Robinson's discloses, wherein the second messaging paradigm is a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, ¶0015 line(s) 9-12, ¶0020, teach a publish-subscribe messaging paradigm. It is

inherent that in this system that the order of messaging paradigms is irrelevant, either order produces the same results.).

23. In regards to claim 46 Robinson's discloses, aborting delivery of the message unless the at least one original destination (¶0016 line(s) 3-6, ¶0020, teach using the publisher subscriber method, therefore when the client (publisher) sends out the message, the message is directed to all the clients that have subscribed to that topic, when there are no subscribers no clients receive the message the delivery is aborted.).

Robinson's does not teach the at least one bridged destination are configured to receive the message.

In the same field of endeavor Todd teach filtering the messages, to the bridged destination, according to user preferences (Col. 7 line(s) 9-12), therefore aborting the delivery of the message when there are not any users to receive it.

24. In regards to claim 50 Robinson's discloses, wherein the first messaging paradigm comprises a topic-based publish-subscribe messaging paradigm (fig. 1 #18, fig. 2 #206, ¶0015 line(s) 9-12, ¶0020), and the second messaging paradigm comprises a queuing messaging paradigm (fig. 1 #17, fig. 2 #206, ¶0031).

25. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US PGPub 2003/0115366), in view of Todd (US 6,510,429) further in view of Tuatini (US PGPub 2001/0047385).

26. In regards to claim 33 neither Robinson nor Todd taught, wherein a configuration file comprises the software bridge.

In the same field of endeavor Tuatini's teach wherein a configuration file comprises the software bridge (¶0126).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robinson's asynchronous message delivery system and method and Todd's message broker apparatus, method and computer program product with Tuatini's teaching as discussed above to allow for the capability of having a file that stores all the necessary functions for the bridge to work properly.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448